

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

HEARING DATE: October 27, 2016
HEARING TIME: 10:00 A.M.

CHAPTER 11

IN RE:

CASE NO. 13-22228-RDD

James Hall Campbell and
Jean Marie Campbell,

Assigned to:
Hon. Robert D. Drain
Bankruptcy Judge

Debtors.

**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO BANKRUPTCY RULE 4001 AND 11 U.S.C. §362(d)
FOR FAILURE TO MAKE POST-PETITION PAYMENTS**

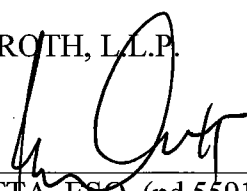
S I R S :

PLEASE TAKE NOTICE, that upon the affirmation of PRANALI DATTA, ESQ., an associate of Stein, Wiener & Roth, LLP, upon the documents and exhibits attached hereto, and upon all prior proceedings heretofore had herein, the undersigned will move this Court before the Hon. Robert D. Drain, Bankruptcy Judge, at the United States Bankruptcy Court located at 300 Quarropas Road, White Plains, NY 10601, on the 27th day of October, 2016 at 10:00 A.M. or as soon thereafter as counsel be heard, for an Order Removing the Stay pursuant to § 362 of the Bankruptcy Code, and upon the granting of said Order, a waiver of Rule 4001(a)(3), , and for such other and further relief as to the Court may seem just and proper with regard to the Debtors' property located at 81 Day Break Drive, Unit 103, Ludlow, VT 05149, in which premises Wells Fargo Bank, N.A., is the holder of a second mortgage.

PLEASE TAKE FURTHER NOTICE that answering and opposing papers, if any, must be served upon the Court and the undersigned no later than seven (7) days before the return date of this Motion.

Dated: Carle Place, New York
August 30, 2016

STEIN, WIENER & ROTH, L.L.P.



BY: PRANALI DATTA, ESQ. (pd 5591)
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Ludlow, VT 05149

James Hall Campbell
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Larchmont, NY 10538

Jean Marie Campbell
Debtor
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United States Trustee
Office of the United States Trustee
U.S. Federal Office Building
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New York, NY 10014

CREDITOR MATRIX
LIST ATTACHED

Label Matrix for local noticing
0208-7
Case 13-22228-rdd
Southern District of New York
White Plains
Tue Aug 30 11:56:45 EDT 2016

(p)NATIONSTAR MORTGAGE LLC
PO BOX 619096
DALLAS TX 75261-9096

Specialized Loan Servicing, LLC
Bankruptcy Dept
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EL PASO TX 79998-2238

Bank of America, N.A.
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Attn: Suzanne Berger

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Discover Bank
DB Servicing Corporation
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New Albany, OH 43054-3025

GECRB/GAP
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ORLANDO, FL 32896-5005

DelBello Donnellan Weingarten Wise & Wiederk
One North Lexington Avenue
White Plains, NY 10601-1742

New York City Dept. Of Finance
210 Joralemon Avenue
Attn: Bankruptcy Section
Brooklyn, NY 11201-3716

United States Attorney's Office
Southern District of New York
Attention: Tax & Bankruptcy Unit
86 Chambers Street, Third Floor
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AES/PHEAA
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Miami FL 33131-1605

N.Y. State Dept. Of Taxation And Finance
Bankruptcy/Special Procedures Section
P.O. Box 5300
Albany, NY 12205-0300

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Rochester, NY 14614-1915

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Des Moines, IA 50328-0001

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION

-----X

CHAPTER 11

IN RE:

CASE NO. 13-22228-RDD

James Hall Campbell and
Jean Marie Campbell,

AFFIRMATION IN SUPPORT OF
MOTION FOR RELIEF FROM THE
AUTOMATIC STAY

Debtors.

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PRANALI DATTA, the undersigned, an attorney duly licensed to practice law in the State of New York and admitted to practice before the courts in the SOUTHERN District of New York, affirms the following under the penalty of perjury:

1. That I am an associate of the firm of STEIN, WIENER & ROTH, L.L.P., the attorneys for Wells Fargo Bank, N.A., a Secured Creditor of the above referenced debtors and the movant (the "Movant") herein and I am fully familiar with the facts and circumstances of this case. I make this Affirmation in Support of Movant's Motion for an Order pursuant to 11 U.S.C. § 362(d) vacating the automatic stay imposed by virtue of 11 U.S.C. 362.

2. That the jurisdiction of this Court is invoked pursuant to 28 U.S.C. 157; 11 U.S.C. 362; and the Bankruptcy Amendments and Federal Judgeships Act of 1984.

3. Wells Fargo Bank, N.A. ("Movant") is a secured creditor of the above named Debtors by virtue of being the holder of a Home Equity Line of Credit Agreement (the "Debt Agreement") secured by a Mortgage, copies of which are annexed hereto and marked Exhibit A and B. Said mortgage is a second mortgage lien upon a house and lot commonly known as 81 Day Break Drive, Unit 103, Ludlow, VT 05149, which premises does not comprise the primary residence of the debtors.

4. Debtor(s) executed a Creditor's Home Equity Line of Credit Agreement (the "Debt Agreement") and agreed to be bound by its terms. The Debt Agreement is secured by a mortgage or deed of trust. Creditor is the original mortgagee/successor or beneficiary of the mortgage or deed of trust.

5. The Home Equity Line of Credit Agreement provides that debtors were to make the current monthly mortgage payments as they became due. However, Debtors have failed to make the current mortgage payments due commencing with the March 15, 2013 payment. As of August 23, 2016, there are due and owing forty-two (42) post-petition mortgage installments; \$765.08 for March 15, 2013; \$847.05 for April 15, 2013; \$819.72 for May 15, 2013; \$847.05 for June 15, 2013; \$819.73 for July 15, 2013; \$847.05 for August 15, 2013 and September 15, 2013 each; \$819.73 for October 15, 2013; \$847.05 for November 15, 2013; \$819.73 for December 15, 2013; \$1,701.66 for January 15, 2014 through August 15, 2016 each, for a total due of **\$62,732.36**.

6. The debtors have demonstrated an inability to make regular payments required of Chapter 11 debtors and, therefore, are no longer qualified to be Chapter 11 debtors.

7. As of August 23, 2016, there was an unpaid principal balance owed on the Debt Agreement and Mortgage in the sum of \$249,958.50, with interest thereon, resulting in a total amount owed to movant in the amount of \$307,537.85.

8. Based on the Broker's Price Opinion dated March 15, 2016, (Exhibit C), the real property is valued at \$327,000.00. That by virtue of the foregoing, the debtor has caused applicant to suffer prejudicial delay; the collateral is decreasing in value and adequate protection requires maintenance of the creditor's interest in the collateral through regular payments and the payment of taxes, and, therefore, pursuant to 11 U.S.C. §362(d), cause exists to vacate the automatic stay.

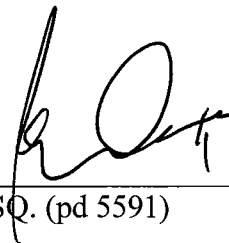
9. Upon information and belief, the only parties who are entitled to notice of these proceedings are the Debtors, the Debtors' attorney, the U.S. Trustee and the Chapter 13 Trustee.

WHEREFORE, it is respectfully requested that under all the facts and circumstances in this case, an order be made as follows:

(A) vacating the automatic stay imposed against the Secured Creditor, Wells Fargo Bank, N.A. by the Chapter 11 Bankruptcy filing of James Hall Campbell and Jean Marie Campbell with regard to the Secured Premises located at 81 Day Break Drive, Unit 103, Ludlow, VT 05149; and

(B) granting permission to Wells Fargo Bank, N.A. to enforce its security interest by proceeding with the foreclosure action against the 81 Day Break Drive, Unit 103, Ludlow, VT 05149.

Dated: Carle Place, New York
August 30, 2016


PRANALI DATTA, ESQ. (pd 5591)